

# State of South Dakota

## EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

400L0229

### HOUSE BILL NO. 1011

Introduced by: The Committee on Judiciary at the request of the Department of Social Services

1 FOR AN ACT ENTITLED, An Act to establish a program of recoveries and fraud  
2 investigations in the Department of Social Services.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 28-1 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The department shall establish a program of recoveries and fraud investigations to collect  
7 debts owed the department and to investigate allegations of fraud in all department assistance  
8 programs. Any fraud investigator for this program may:

9 (1) Initiate and conduct any investigation if the program has cause to believe that a  
10 fraudulent act has been or may be committed by a recipient of assistance from  
11 department programs;

12 (2) Review any report or complaint of an alleged fraudulent act to determine whether  
13 such report requires further investigation and conduct such investigation;

14 (3) Obtain access to any state and local record to assist in investigation of an alleged  
15 fraudulent act and may require by administrative subpoena the production of any



1 book, record, or other information;

2 (4) May prepare any case of an fraudulent act for prosecution on behalf of the state  
3 through criminal, civil, and administrative proceedings; and

4 (5) Cooperate with federal, state, and local law enforcement, prosecuting attorneys, and  
5 the attorney general in the investigation and prosecution of any fraudulent act where  
6 public assistance has been granted or applied for under the welfare laws of this state.

7 Section 2. The program established pursuant to this Act may take any collection action  
8 provided for in state and federal law and regulation to recover debts owed the department.

9 Section 3. All investigative records and files of the program established pursuant to this Act  
10 are confidential. No investigative record may be released except to department personnel,  
11 federal, state, and local law enforcement, prosecuting attorneys, and the attorney general in the  
12 investigation and prosecution of fraudulent acts. No investigative record or file may be released  
13 to any other person except pursuant to a court order. All collection files are confidential. No  
14 collection file may be released except in accordance with recipient confidentiality requirements  
15 of the department.